

STATEMENT OF PURPOSE

RS22562

Appropriates an additional \$30,000 from the General Fund to the State Appellate Public Defender (SAPD) for fiscal year 2014 to cover a projected shortfall in hiring outside counsel. The State Appellate Public Defender is having to out source more often due to conflicts of interest [One-time].

FISCAL NOTE

Section 19-870, Idaho Code, makes the SAPD responsible for representing all indigent capital defendants in post-conviction proceedings. Section 19-871 further requires the SAPD to arrange for counsel if the SAPD is unable to carry out its duties due to a conflict of interest.

A capital client only has 42 days after the Appellant's Brief is filed in a case to file a successive post-conviction petition. The successive petition is the client's only chance to raise claims against the SAPD for ineffective assistance of counsel. One such client has filed a successive petition claiming that the SAPD was ineffective. Since there is a conflict, SAPD cannot represent him in that post-conviction case, and conflict counsel has been arranged.

It is estimated that, at a minimum, 160 billable hours will be required during FY 2014. At \$125 per hour, this amounts to \$20,000. Because this is a minimum, another \$10,000 is provided as a cushion. Any unexpended and unencumbered balance of moneys will be returned to the General Fund at the end of the fiscal year.

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